

## TITLE 12-000 CHAPTER 800

**CHAPTER 12-800. ZONING ESTABLISHMENT.****12-801. STATEMENT OF PURPOSE.**

1. This chapter shall establish the criteria to regulate by districts or zones the location, height, and bulk of buildings and other structures; the percentage of lot which may be occupied; the size of courts, lots and other open spaces; the density and distribution of population; the location and use of buildings and structure for trade, industry, residence, recreational public activities or other purposes; and the use of land for trade, industry, recreation or other purposes.

2. It is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the City of Richmond, Utah, including amongst other things the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the city's commercial and industrial growth, and the protection of both residential and nonresidential development.

**12-802. INTERPRETATION.** In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

**12-803. CONFLICT.** This ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

**12-804. EFFECT UPON PREVIOUS ORDINANCE AND MAP.** Prior zoning ordinances for the City of Richmond, Utah, including maps, are hereby superseded and amended to read as set forth herein; provided, however, that this shall be deemed a continuation of the previous ordinance, and not a new enactment, insofar as the substance of revisions of the previous ordinance is included, whether in the same or in different language; and this shall be so interpreted upon all questions of construction including but not limited to questions of conforming or nonconforming uses, buildings, or structures, and to questions as to dates upon which such uses, buildings, or structures became conforming and nonconforming.

**12-805. SUPPLEMENTARY AND QUALIFYING REGULATIONS.**

**12-805-1. Purpose.** The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this ordinance.

**12-805-2. Lots in Separate Ownership - Nonconforming Lots.** The requirements of this ordinance as to minimum lot area or lot width shall not be construed to prevent the use for a single-family dwelling, nor of any permitted use required in the initial phase of development and meeting all side yard and setback requirements of the zone it is in, of any lot or parcel of land in the event that such lot or parcel of land was held in separate ownership at the time of the adoption of the zoning ordinance.

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**12-805-3. Yard Space for One (1) Building Only.** No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this ordinance, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

**12-805-4. Every Dwelling to Be on a “Lot”.** Every dwelling shall be located and maintained on a “lot” as defined in this ordinance.

**12-805-5. Wall, Fence or Hedge.**

1. Height of fences, hedges, or shrubs: No fence or wall or other similar structure shall be erected in any required front, rear or side yard to a height in excess of six (6) feet except for accessory buildings and structures permitted herein.

a. Where there is a difference in the grade of the properties on either side of a fence or wall, the height of the fence or wall shall be measured from the average elevation of finished grades of the adjoining properties in question at the fence line, except that no fence need be less than forty-two (42) inches in height.

1) See 12-805-11 for regulations concerning view at corners and intersecting streets.

**12-805-6. Area of Accessory Buildings.** No accessory building or group of accessory buildings in an individual lot of any residential zone shall cover more than twenty-five (25) percent of the rear yard.

**12-805-7. Height of Accessory Buildings.** Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, parapet walls, skylights, towers, steeples, flagpoles, chimneys, smoke stacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space.

**12-805-8. Minimum Height of Main Buildings.** No dwelling shall be erected to a height less than one (1) story above grade.

**12-805-9. Clear View of Intersecting Streets.** In all zones, no obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers and pumps at gasoline service stations.

**12-805-10. Sale or Lease of Required Space.**

1. The sub-division of an existing lot within a given zone that would result in the creation of one or more lots of a sub-standard size for that zone is prohibited.

2. Building permits shall not be issued on restricted lots.

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3. Where a dwelling in the agricultural zone was of public record prior to April 8, 1970, the dwelling may be severed on a lot which meets the area, width and yard regulations of the RE-2 zone, and shall be treated as nonconforming.

a. Land which is severed may be built on if it meets the requirements of area, width and yard regulations for the agricultural zone.

**12-805-11. Multiple Family Dwelling.** Multiple Family Dwelling developments are permitted subject to the provisions found in 12-1030.

**12-805-12. Coverage Regulations.** In no zone shall a building or group of buildings with their accessory buildings cover more than sixty (60) percent of the area of the lot.

**12-805-13. Mobile Home Court aka Mobile Home Park.** Refer to the Mobile Home Court aka Mobile Home Park Overlay 12-1040.

**12-805-14. Public Utilities.** Public utilities may be permitted on less than the required size lots in a zone as approved by the Planning and Zoning Commission with their recommendation being forwarded to the City Council.

**12-805-15. Corner Lots.** On corner lots, the set-back for the side of the structure where the main entrance is located shall be a minimum of thirty (30) feet unless the structure falls into a category contained within this ordinance allowing a reduced set back, and the other side facing a street shall have a set-back of a minimum of twenty (20) feet with all measurements being from the property line.

**12-805-16. Agricultural Structures in Agricultural Zone.** The requirements of this ordinance as to minimum lot area or lot width shall not prevent the construction of structures used for agricultural or livestock purposes on a parcel of land in the agricultural zone as long as side yards, setback and coverage requirements are maintained, unless it is a restricted lot.

**12-805-17. Landscaping.**

1. A landscaping plan shall be required by all those applying to the Planning and Zoning Commission for a conditional use permit.

a. The purpose of landscaping is to protect and preserve a quality environment for the entire City.

b. Plant materials function in the protection of “public welfare”.

c. Their uses include:

1) Noise control,

2) Enhancement of the visual quality of a roadway through plant screening of parking lots, trash collection, outdoor storage, merchandising or service area,

3) Erosion control,

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- 4) Filtering air quality,
- 5) Reduction of glare and reflection for public safety,
- 6) Wind control, and
- 7) Temperature control.

2. Required Planting Screens. Wherever any parking lot, trash collection, outdoor storage, merchandising or service area requires a conditional use permit, a planting screen of sufficient length to interfere with the view thereof shall be required except where the view is blocked by change in grade or other natural or man-made features or otherwise determined by the Planning and Zoning Commission.

a. Where, because of soil conditions or other natural factors, the planting screen cannot be expected to thrive, a wooden fence or masonry wall may be substituted.

3. Required Tree Planting.

a. One (1) tree is required for each 5,000 square feet of such space or fraction thereof on each lot.

b. All trees required by this ordinance shall be at least five (5) feet high when planted, and shall be maintained in a healthy condition.

c. They shall not be pruned, except to remove deadwood, in such a manner as to prevent growth to a height of at least fifteen (15) feet or to reduce existing height below fifteen (15) feet.

d. Where new tree plantings are otherwise required, existing trees having a height of at least eleven (11) feet may be counted as required trees.

4. Parking Lot Plantings.

a. Where the provision of off-street parking for fifteen (15) or more vehicles is required, there shall be landscaped open space within the perimeter of the parking area, or areas, in the minimum amount of eighteen (18) square feet for each parking space, which shall be so located that no parking space is more than one hundred twenty (120) feet from a portion of the landscaped open space required by this section.

b. The required landscaped open space need not be contiguous, but there shall be at least one (1) tree in each separate area.

c. Trees required by this section shall be included in computing any number required in the previous section, Required Tree Planting.

d. All plant materials shall be kept pruned to maximize visibility through them between heights of three (3) feet and eight (8) feet, except where located so as to create no hazard to drivers or pedestrians.

5. Time of Completion.

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- a. All tree plantings and planting screens required by this ordinance shall be installed prior to occupancy or commencement of use.
- b. Where compliance with 5.a. is not possible because of the season of the year, the zoning enforcer shall grant a delay (temporary Certificate of Occupancy not to exceed one [1] years time), but shall issue no permanent Certificate of Occupancy until completion of all required plantings.
- c. Any Certificate of Occupancy may be revoked, after thirty (30) days written notice to the person assessed for taxes on the affected lot and to the occupant, whenever planting screens or required tree plantings are not maintained as required in this ordinance.

**12-805.18. Financial Assignment and Responsibility.**

1. All expenses associated with the construction, development, establishment or otherwise entrance into the City structure of Richmond City, Utah shall be the responsibility of the builder, contractor, developer or such other party ultimately responsible for said structure or infrastructure unless otherwise assigned by current ordinance or ordinances. Such expenses may include, but are not limited to, the following:
  - a. Processing of any required building clearance form prior to issuance of the building permit.
    - 1) Building permit fees and charges will be handled separately by ordinance or resolution and in compliance with the current provisions of Title 10, Chapter 9a, Section 510
  - b. Review of building property plat(s), plan(s), and/or infrastructure whether by local authority or contracted engineer(s).
  - c. Any engineering review of any nature required by the City prior to acceptance of or issuance of any type of occupancy or usage permit.
  - d. Any tests of any nature deemed necessary by the City, such as but not limited to pressure testing of culinary water and sewer pipes, acceptability tests of asphalt or other paving material used to cover City streets or roads, compaction tests of street or road sub-surface, sidewalk specification questions, or additional testing in questionable areas of any nature.
2. All expenses shall be billed directly to the builder, contractor, developer or such other party ultimately responsible for said structure or infrastructure.
3. Should Richmond City hold billings not paid by the builder, contractor, developer or such other party ultimately responsible for said structure or infrastructure, the City shall withhold approval and acceptance of infrastructure, issuance of a Certificate of Occupancy or other use, issuance of a Business License, or withhold services as shall be appropriate and proper for the individual situation.
  - a. Should the City be placed into a situation involving litigation, the City shall seek all payments due plus the cost of all legal expenses associated with such recovery efforts